

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm fixed price (FFP) task order (TO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for annual software maintenance and support for existing CA Technologies, Inc. (CA) software. The period of performance will consist of a 12-month base period and three 12-month option periods.
3. Description of Supplies or Services: The VA Enterprise Systems Engineering (ESE), Enterprise Testing Services (ETS) division manages and operates VA test centers located in Austin, Texas and Salt Lake City, Utah. In order to accomplish the necessary testing, ETS utilizes many different manufacturers' software tools including, but not limited to CA software for performance monitoring Information Technology (IT) systems testing. Specifically, ETS has a requirement for annual software maintenance and support of currently owned and utilized CA software including: CA Wily Application Performance Management (APM); CA Transaction Impact Monitor (TIM); CA Wily Customer Experience Manager (CEM) Transaction Event and Statistics Server; and CA Wily Manager for CA SiteMinder Web Access Manager. ETS currently utilizes CA software products to monitor the performance of IT systems under test. The data gathered during the testing is used to determine if the IT systems being tested are appropriate for the production environment. The CA software support and maintenance shall consist of any and all manufacturer-released software updates, patches and versions for the existing installation. Additionally, the software maintenance and support shall include access to the manufacturer's approved support resources, such as help-desk and consultation services, for the purposes of resolving problems, issues, and questions concerning the existing installation of software. The total estimated price of the proposed action is \$ [REDACTED] comprised of \$ [REDACTED] for the base year and \$ [REDACTED] for the option periods.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B) entitled, "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."
5. Rationale Supporting Use of Authority Cited Above: Based on extensive market research, as described in paragraph eight of this document, the Government has determined that limited competition is available for this proposed action. The mission of ETS is to establish testing environments that are accurate representations of field-

deployed production IT systems. ETS has taken the approach of replicating, to the maximum extent possible, actual field systems in its test center environments. In order to be sure that the field environments are equivalent to testing environments, it is imperative that the same tools be used in both environments. CA software tools are used extensively in field systems so utilizing the software in a testing environment provides standardization which ensures a stable platform for both environments. It's imperative that all software tools be identical to production and development systems in order to support successful testing. It is also imperative that the CA software tools are up to date with the latest CA software patches, versions, and updates. The CA software tool suite is proprietary to CA. Access to the proprietary CA source code for the VA owned software licenses is required in order to provide the needed software maintenance and support, including software patches, version updates, and help desk support which are critical to ensuring that the CA software is functioning properly within the ETS test centers. No other software maintenance service available includes access to this source code and as such would not be capable of meeting the Government's requirement; nor is there any other software maintenance service that can provide updates, patches and new versions of CA software, other than CA or its authorized resellers, as only CA itself provides updates, patches, and new versions of its own proprietary software.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required software maintenance and support. Although the Government is limiting competition as a result of specifying a unique and highly specialized service, there are numerous authorized resellers of these services on the NASA SEWP IV GWAC. Limited competition for this requirement among these vendors is anticipated. Additionally, this Justification and Approval (J&A) and the Request for Quote (RFQ) will be submitted to all four NASA SEWP IV GWAC Groups in order to fully notify all interested parties and obtain price competition. Furthermore, in accordance with FAR 5.3, the TO award will be synopsisized on the Federal Business Opportunities (FBO) Page. In addition, this J&A will be made publicly available on the FBO Page.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: Market research was conducted in July 2012 to explore whether any other brands can provide the software maintenance and support required. The Government's technical experts researched maintenance support services offered by other companies with similar products such as Hewlett Packard (HP) and Compuware Corporation to see if they could meet the Government's software maintenance requirements. It was determined that although these companies could provide similar maintenance support for their competing products, they could not access proprietary CA source code required to provide the needed maintenance services, to include software updates, patches and new versions.

9. Other Facts: None